

**SUMMARIES OF POLITICAL SUBDIVISIONS RELATED BILLS  
PASSED DURING THE 2010 GENERAL SESSION**

***H.B. 41    Constables Amendments (Rep. C. Oda)***

This bill modifies provisions relating to constables.

This bill:

- ▶ allows a county or municipality to contract with any constable, rather than a constable in the county where the justice court sits; and
- ▶ makes a technical change.

***H.B. 75    Assessment Area Amendments (Rep. G. Froerer)***

This bill amends provisions of the Assessment Area Act.

This bill:

- ▶ requires that a governing body adopt a resolution or ordinance designating an assessment area before the governing body may levy an assessment;
- ▶ amends notice requirements;
- ▶ amends the requirements for preparing an assessment list;
- ▶ clarifies when a governing body may levy more than one assessment in a designated assessment area to pay for operation and maintenance costs or economic promotion activities;
- ▶ creates reporting requirements for an assessment levied to pay for economic promotion activities; and
- ▶ makes technical corrections.

***H.B. 94    Uniform Fiscal Procedures Act Amendments for Towns, Cities, and Counties Amendments (Rep. F. Hunsaker)***

This bill amends the public notice and hearing requirements for the uniform fiscal procedures of towns, cities, and counties.

This bill:

- ▶ amends notice requirements;
- ▶ requires a town council to give public notice and hold a hearing before amending a budget or allocating or transferring funds between a utility enterprise fund and another fund;
- ▶ requires the governing body of a city to give public notice and hold a hearing before allocating or transferring funds between a utility enterprise fund and another fund;
- ▶ requires the governing body of a county to give public notice and hold a hearing before amending a budgetary fund or increasing a budget appropriation of any budgetary fund;
- ▶ requires the governing body of a county to give public notice and hold a hearing before allocating or transferring funds between a utility enterprise fund and another fund; and
- ▶ makes technical corrections.

***H.B. 116 Political Subdivision Facility Energy Efficiency (Rep. F. Hunsaker)***

This bill authorizes a political subdivision to enter into an energy savings agreement.

This bill:

- ▶ defines terms;
- ▶ permits a political subdivision to:
  - enter into an energy savings agreement with a qualified energy service provider;
  - develop and administer a facility energy efficiency program;
  - analyze energy consumption; and
  - designate a staff member who is responsible for the facility energy efficiency program;
- ▶ permits certain state entities to provide assistance to a political subdivision;
- ▶ defines length and type of contracts to be entered into;
- ▶ requires a political subdivision to follow the Utah Procurement Code for an energy savings agreement;
- ▶ requires an investment grade energy audit to be performed;
- ▶ requires the Division of Purchasing to maintain a list of qualified energy service providers; and
- ▶ requires a qualified energy service provider to issue an annual report.

***H.B. 143 Eminent Domain Authority (Rep. C. Herrod)***

This bill authorizes the state to exercise eminent domain authority on property possessed by the federal government unless the property was acquired by the federal government with the consent of the Legislature and in accordance with the United States Constitution Article I, Section 8, Clause 17.

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***H.B. 169 Refinery Amendments (Rep. R. Edwards)***

This bill authorizes a legislative body considering a zoning change or a land use authority considering a land use application to consult with a refinery before adopting the zoning change or approving the land use application.

This bill:

- ▶ authorizes a legislative body considering a zoning change or a land use authority considering a land use application to consult with a refinery before adopting the zoning change or approving the land use application.

***H.B. 199 Municipal Clerk and Recorder Responsibilities (Rep. B. Last)***

This bill modifies provisions relating to municipal clerks and recorders.

This bill:

- ▶ authorizes the legislative body of a town to establish a director of finance position;
- ▶ eliminates a requirement that cities operating under an optional form of government establish a director of finance position;
- ▶ clarifies the appointment and removal of a director of finance; and
- ▶ makes technical changes.

***H.B. 205 Impact Fee Amendments (Rep. S. Sandstrom)***

This bill amends impact fee provisions relating to school districts and charter schools. This bill:

- ▶ requires that an impact fee enactment allow, in certain circumstances, a developer to receive a credit against or proportionate reimbursement of an impact fee, including a school district or charter school;
- ▶ amends requirements for a capital facilities plan;
- ▶ amends provisions relating to an impact fee enactment;
- ▶ amends provisions relating to impact fees; and
- ▶ makes technical corrections.

***H.B. 211 Improvement District Board Membership (Rep. K. Powell)***

This bill amends the board of trustees membership requirements for an improvement district.

This bill:

- ▶ amends the board of trustees membership requirements for an improvement district; and
- ▶ makes technical corrections.

***H.B. 216 Incorporation of a Town Amendments (Rep. G. Froerer)***

This bill modifies provisions relating to the incorporation of a town.

This bill:

- ▶ amends notice requirements;
- ▶ requires that the legislative body of a county, based on certain results of the financial feasibility study:
  - approve a petition to incorporate;
  - deny a petition to incorporate;
  - impose conditions on the area proposed to be incorporated; or
  - alter the boundaries of the area proposed to be incorporated; and
- ▶ makes technical corrections.

***H.B. 222 Land Use Meeting Notice (Rep. T. Beck)***

This bill amends the notice requirements for a public hearing to adopt or modify a land use ordinance.

This bill:

- ▶ amends the notice requirements for a public hearing to adopt or modify a land use ordinance.

***H.B. 279 County Recorder Amendments (Rep. R. C. Webb)***

This bill modifies provisions relating to county recorders.

This bill:

- ▶ for cities, counties, and towns:
  - clarifies plat recordation requirements;
  - amends the requirements to submit a subdivision plat for recording;
  - permits a recorder to record a document absent a certificate or written approval;
  - amends provisions governing the conveyance of a common or community area parcel;
  - amends provisions governing the recording of an amended plat; and
  - amends recording requirements for a public street, right-of-way, or easement vacated by a legislative body;
- ▶ creates certain exceptions for abstracting an instrument in a tract index;
- ▶ prohibits a person from bringing an action against a recorder as a result of information contained in a recorded instrument;
- ▶ states that the recordation of an instrument does not cure a failure to give public notice caused by an error, omission, or defect in the instrument;
- ▶ amends joint tenancy provisions;
- ▶ amends provisions relating to the rescinding or cancelling of a trustee's deed;
- ▶ for purposes of an assessment, states an effective date for a boundary change of a taxing entity; and
- ▶ makes technical corrections.

***H.B. 282 Local Government Amendments (Rep. S. Sandstrom)***

This bill amends the definition of "educational facility."

This bill:

- ▶ amends the definition of "educational facility"; and
- ▶ makes technical corrections.

***H.B. 298 Land Use Authority Notification of Canal Development (Rep. B. Ferry)***

This bill requires a municipal or a county land use authority to notify a canal company or canal operator of a land use application to develop within 100 feet of a canal.

This bill:

- ▶ amends notification requirements;
- ▶ requires a municipal or a county land use authority to notify a canal company or canal operator of a land use application to develop within 100 feet of a canal; and
- ▶ makes technical corrections.

***H.B. 302 Minor Adjustments to County Boundaries (Rep. P. Painter)***

This bill amends provisions relating to minor adjustments to county boundaries.

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- ▶ amends provisions relating to minor adjustments to county boundaries.

***H.B. 307 General County Powers Amendments (Rep. G. Hughes)***

This bill amends the general powers of a county.

This bill:

- ▶ prohibits a county or a governmental instrumentality of a county from performing an action, providing a service, exercising a power, or performing a function in another county or a municipality within the other county without first entering into an agreement with the other county; and
- ▶ makes technical corrections.

***H.B. 348 Sheriffs Fees (Rep. R. Greenwood)***

This bill authorizes the legislative body of a county to set a fee charged by the county sheriff.

This bill:

- ▶ authorizes the legislative body of a county to set a fee charged by the county sheriff;
- ▶ amends existing sheriff fees; and
- ▶ makes technical corrections.

***H.B. 381 Municipal Land Use Provisions (Rep. S. Sandstrom)***

This bill amends municipal land use provisions relating to nonconforming uses and noncomplying structures.

This bill:

- ▶ amends municipal land use provisions relating to nonconforming uses and noncomplying structures; and
- ▶ makes technical corrections.

***H.B. 398 Sexually Oriented Business License Amendments (Rep. F.J. Seegmiller)***

This bill enacts provisions relating to the licensing of a sexually oriented business or an individual working in a sexually oriented business.

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- ▶ enacts provisions relating to the licensing of a sexually oriented business or an individual working in a sexually oriented business.

***S.B. 20 Local District Amendments (Sen. D. Stowell)***

This bill allows the creation of a local district to develop and execute a groundwater management plan in cooperation with the state engineer.

This bill:

- ▶ permits a local district to acquire groundwater rights;
- ▶ allows the creation of a local district for the development and execution of a groundwater management plan in cooperation with and approved by the state engineer;
- ▶ provides that a groundwater management plan described in the preceding paragraph may include the banking of groundwater rights by a local district in a

critical management area following the adoption of a groundwater management plan by the state engineer;

- ▶ exempts the creation of a local district for the development and execution of a groundwater management plan from the election requirement; and
- ▶ makes technical corrections.

***S.B. 37 Impact Fee Revisions (Sen. W. Niederhauser)***

This bill amends public notice requirements for a local political subdivision that imposes an impact fee and directs a local government entity to refund an impact fee subject to certain circumstances.

This bill:

- ▶ defines terms;
- ▶ amends public notice requirements;
- ▶ directs a local government entity to refund an impact fee if a court ruling is consistent with an advisory opinion issued by the Office of Property Rights Ombudsman on the impact fee; and
- ▶ makes technical corrections.

***S.B. 81 Eminent Domain Amendments (Sen. L. Hillyard)***

This bill amends provisions relating to a settlement offer and litigation expenses in an eminent domain action.

This bill:

- ▶ defines terms;
- ▶ creates a time line for a defendant or a plaintiff to file a settlement offer;
- ▶ sets requirements for a settlement offer;
- ▶ authorizes the court to, under certain circumstances, award litigation expenses; and
- ▶ makes technical corrections.

***S.B. 84 Special Service District Amendments (Sen. D. Hinkins)***

This bill modifies a provision relating to the withdrawal of an area from a special service district.

This bill:

- ▶ provides exceptions to a prohibition against withdrawing an area from a special service district that applies when there are outstanding and unpaid bonds, notes, or other obligations; and
- ▶ provides an exception to a prohibition against withdrawing an area from a special service district that applies when the special service district is under a contractual obligation to provide services.

***S.B. 103 Adverse Possession of Real Property (Sen. S. Urquhart)***

This bill prohibits a person from acquiring certain real property through adverse possession, prescriptive use, or acquiescence that is held by a metropolitan water district.

This bill:

- ▶ prohibits a person from acquiring certain real property through adverse possession, prescriptive use, or acquiescence that is held by a metropolitan water district; and
- ▶ makes technical corrections.

***S.B. 122 Eminent Domain Revisions (Sen. J. S. Adams)***

This bill amends provisions relating to the right to exercise eminent domain.

This bill:

- ▶ authorizes an entity to exercise eminent domain for:
  - a byroad leading from a highway to an existing or proposed residence, development, or farm; or
  - sewage service for an existing or proposed development; and
- ▶ makes technical corrections.

***S.B. 124 Military Installation Development Authority Modifications (Sen. J. Stevenson)***

This bill amends provisions of the Military Installation Development Authority Act.

This bill:

- ▶ defines terms;
- ▶ authorizes the Military Installation Development Authority (authority) to:
  - impose a resort communities tax; and
  - contract with the federal government, a public entity, or other authorized source;
- ▶ exempts land within a project area from certain state law, ordinances, or regulations;
- ▶ authorizes certain changes to the authority board;
- ▶ authorizes the authority to include, under certain circumstances, public or private land in a project area that is noncontiguous to military land;
- ▶ amends notice requirements;
- ▶ amends the authority's receipt and use of tax increment;
- ▶ amends the authority's use of municipal services revenue;
- ▶ designates funds received by the authority as nonlapsing; and
- ▶ makes technical corrections.

***S.B. 126 Subdivision Amendments (Sen. J. S. Adams)***

This bill defines terms and amends provisions relating to vacating, altering, or amending a subdivision plat.

This bill:

- ▶ defines terms;
- ▶ for a municipality or a county, amends provisions relating to vacating, altering, or amending a subdivision plat; and
- ▶ makes technical corrections.

***S.B. 156 Antitrust Act Amendments (Sen. S. Urquhart)***

This bill amends provisions of the Antitrust Act.

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- amends provisions of the Antitrust Act.

***S.B. 172 Local District Taxing Authority Amendments (Sen. C. Bramble)***

This bill amends provisions relating to the taxing authority of local districts.

This bill:

- defines terms;
- amends provisions relating to services that a local district may provide;
- prohibits local districts that do not have elected boards from levying and collecting a property tax in certain circumstances;
- amends provisions relating to a metropolitan water district board of trustees;
- prohibits, with certain exceptions, a metropolitan water district board of trustees from collecting a property tax;
- amends provisions relating to a water conservancy district board of trustees;
- prohibits, with certain exceptions, a water conservancy district board of trustees from collecting a property tax; and
- makes technical corrections.

***S.B. 197 Community Development and Renewal Agency Amendments (Sen. C. Bramble)***

This bill amends Community Development and Renewal Agencies provisions.

This bill:

- defines terms;
- amends a public entity's authority to assist with a project;
- amends notice requirements;
- amends provisions relating to the payment of tax increment;
- authorizes, in certain circumstances, an agency to loan tax increment from one project area fund to another project area fund;
- amends provisions related to funds allocated for housing;
- requires, in certain circumstances, a licensed attorney to certify a project area budget;
- prohibits, in certain circumstances, a person from contesting a project area budget or an amendment to a project area budget;
- permits a successor taxing entity to enforce a resolution or interlocal agreement;
- prohibits, in certain circumstances, a person from contesting a resolution or interlocal agreement adopted by a taxing entity or public entity; and
- makes technical corrections.

***S.B. 222 Fee Exemptions (Sen. B. Goodfellow)***

This bill authorizes, in certain circumstances, a local district to provide a credit for a fee charged by the local district.

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